

REMARKS

In the Official Action, the Examiner maintained the single rejection under 35 U.S.C. §102(b) of all of the claims based on Van Loon, U.S. Patent No. 6,503,637. Applicants respectfully submit that the rejection is not proper since Van Loon does not disclose each and every aspect of the invention as defined in the claims of record.

Sole independent claim 1 recites an a resin composition having an easy-openable property which comprises an ethylene polymer composition (D) comprising 5 to 65 wt% of a propylene polymer (A), 1 to 35 wt% of an ethylene/ α -olefin random copolymer (B) having a density of less than 895 kg/m³ and 10 to 85 wt% of an ethylene polymer (C) selected from the group consisting of (a) a linear low density polyethylene having a density of 895 to 925 kg/m³ prepared by using a catalyst containing a metallocene compound of a transition metal and (b) a high density polyethylene having a density of greater than 940 kg/m³ and up to 970 kg/m³ (in a total amount of 100 wt%). Other aspects of the invention are set forth in the pending dependent claims.

In the prior response, applicants explained that the present invention can provide a resin composition which is excellent in peelability from a propylene polymer layer. The resin composition can also provide anti-blocking properties, hygienic properties, film processability and lamination processability. Applicants also noted that the specification provides illustrative Examples and Comparative Examples which show the benefits which can be obtained in accordance with the present invention and the adverse results when all the defined components are not present.

In replying to the arguments presented in the prior response, the Examiner pointed out that Van Loon discloses in the "Materials" section of column 8 that the high pressure polymer can be two types of ESCORENE products which are a low density polyethylene having a density of 0.922 g/cm³ or 0.925 g/cm³, neither of which are made by a catalyst containing a metallocene compound of a transition metal. Even assuming that the Examiner's reliance on this passage is justified, it would still not provide a proper basis for anticipation. As recited in claim 1, the ethylene polymer (C) is selected from the group consisting of (a) a linear low density polyethylene having a density of 895 to 925 kg/m³ prepared by using a catalyst containing a metallocene compound of a transition metal and (b) a high density polyethylene having a density of greater than 940 kg/m³ and up to 970 kg/m³. Neither the defined linear low density polyethylene nor the defined high density polyethylene of ethylene polymer (C) is met by the low density polyethylene disclosed in Van Loon. The recited linear low density polyethylene (LLDPE) has a linear structure and is chemically different from low density polyethylene. Low density polyethylene produced in a high pressure process using a free radical initiator has a highly branched molecular structure. To provide a more complete understanding of an illustrative LLDPE, attached hereto is an excerpt describing the ULTZEX LLDPE polymers of which ULTZEX 1520L mentioned at the bottom of page 21 of the specification is one type. Accordingly, since Van Loon does not provide a component which meets the defined ethylene polymer (C) of claim 1, the anticipation rejection cannot stand.

Although the foregoing reason is itself sufficient to overcome the rejection, applicants further note that Van Loon would actually lead those of ordinary skill in the

art away from defined component (B) which recites an ethylene/ α -olefin random copolymer (B) having a density of less than 895 kg/m^3 . In order to meet this recitation, the Examiner has relied on component (i) of Van Loon which is a homopolymer of ethylene or a copolymer of ethylene and up to 50% of a $\text{C}_3\text{-C}_{20}$ olefin and which has a density of 0.86 g/cm^3 to 0.96 g/cm^3 , preferably 0.88 to 0.94 g/cm^3 , more preferably between 0.88 g/cm^3 and 0.935 g/cm^3 , more preferably between 0.88 g/cm^3 and 0.95 g/cm^3 , more preferably between 0.915 g/cm^3 and 0.935 g/cm^3 . Guided by the disclosed preferred densities and particularly by the specific materials, ECD 109, ECD 103 and ECD 202 disclosed in column 8, all of which have a density of 0.917 g/cm^3 or higher, those of ordinary skill in the would clearly be led away from the ethylene/ α -olefin random copolymer (B) recited in claim


1. In this regard, it has long been held that the relevant portions of a reference include not only those teachings which would suggest particular aspects of an invention to one having ordinary skill in the art, but also teachings which would lead such a person away from the claimed invention. See *In re Mercier*, 515 F.2d 1161, 1166, 185 USPQ 774, 778 (CCPA 1975). Thus, to the extent that the ESCORENE polymers identified in column 8 are of relevance (although still not meeting defined component (C)), the ECD polymers identified in the same passage are equally as relevant with respect to component (B) and such relevance would further detract from the anticipation rejection based on Van Loon.

For all the reasons provided above, applicants respectfully submit that the claims of record are patentable over the fair teachings of Van Loon and accordingly request reconsideration and allowance of the present application.

Should the Examiner have any questions concerning the subject application, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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Properties


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Main applications : Bottle caps, laminating film, large tanks, packaging film, stretch film, heavy-duty bags

This is a special LLDPE (linear low-density PE) obtained by copolymerizing ethylene and higher- α -olefin utilizing our proprietary solution polymerization process. Because of its excellent mechanical properties, this resin is used for a broad range of packaging and industrial applications.

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